

REMARKS

Claims 1, and 9-10 are now pending. Applicants have cancelled claims 2, 5-7, 8,, 11, 13-14, 16-20, 23-28 and 31-36. Claim 1 has been amended to recite that the individual has been administered a compound that is suspected of causing renal toxicity. Support can be found in the specification , pages 37-38, Example 2, which investigated the toxicity of a test compound. Claim 1 has also been amended to recite that the measurement of the mRNA expression is by hybridization with probes. Support for this amendment can be found in the specification page 35, lines 13-14.

No new matter is added.

Sequence compliance

Applicants have amended the specification to insert SEQ ID NOS to identify the sequences listed in Table 2 and Table 4. Support for this amendment can be found in the previously submitted Sequence Listing.

Claim objections

The Examiner has objected to certain claims because of informalities. In response, Applicants have amended claim 1 to recite "first value lower" instead of "first 10 value lower". Applicants have also amended claim 6 to recite "clusterin" instead of "clusterin alpha-2u". Furthermore, Applicants have amended claims 1 and 9-10 so that the claims are directed to the elected subject matter. Applicants believe that all of the informalities identified by the Examiner have been addressed.

35 U.S.C. §112, first paragraph, enablement

The Examiner has rejected the pending claims as allegedly not enabled. Applicants respectfully traverse.

The pending claims are directed to a method of detecting renal toxicity in individual has been administered a compound that is suspected of causing renal toxicity. The claims are drawn to the detection of mRNA. The mRNA is identified as that which binds to a probe having a defined sequence.

The method as claimed is useful for identifying renal toxicity. The claim does not recite that the method need be a stand-alone diagnostic. Accordingly, Applicant distinguishes the references cited by the Examiner on pages 10-14 of the Office Action of December 18, 2007.

Applicants respectfully request that this rejection be withdrawn.

35 U.S.C. §112, first paragraph, written description

The Examiner has rejected the pending claims as allegedly not sufficiently described in the specification. Applicants respectfully traverse.

The pending claims are directed to a method of detecting mRNA that binds to a probe having a defined sequence. The probe sequence is precisely described in the specification, Table 2 and Table 4.

Applicants respectfully request that this rejection be withdrawn.

35 U.S.C. §112, second paragraph, definiteness

The Examiner has rejected the pending claims as allegedly indefinite. In response, Applicants have amended claim 1 to remove recitation of the word "corresponding". Applicants have amended claim 1 to recite "first value lower" instead of "first 10 value lower". Applicants believe that all of the terms rejected by the Examiner have been addressed. Thus, Applicants respectfully request that this rejection be withdrawn.

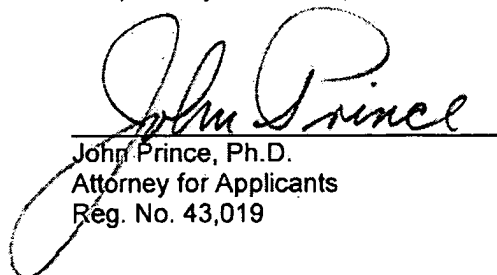
35 U.S.C. §102, anticipation

The Examiner has rejected claim 13 as allegedly anticipated by Kang *et al.*, *Am J. Physiol. Ren. Physiol.* 280: F727-F736 (2001). Applicant has cancelled claim 13. Accordingly, this rejection is now moot.

An early and favorable action on the merits is respectfully requested. Should the Examiner have any questions, please contact the undersigned attorney.

Respectfully submitted,

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